

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KARA STERNQUIST,

Defendant.

\* \* \* \* \*

Case No. 22-CR-00473 (DLI)

Brooklyn, New York

October 19, 2022

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT  
BEFORE THE HONORABLE LOIS BLOOM  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

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For the Defendant:

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1 (Proceedings commenced at 4:32 p.m.)

2 THE CLERK: Criminal cause for arraignment on  
3 indictment number 22-CR-473, United States against  
4 Sternquist.

5 Will the parties please state your names for the  
6 record.

7 MR. BUFORD: Good afternoon, Your Honor. For the  
8 Government, it's Turner Burford and Andy Palacio. And we're  
9 joined at counsel table by Sophia Papapetru from the Bureau  
10 of Prisons Legal Department.

11 MS. GLASHAUSSER: Good afternoon, Your Honor.  
12 Allegra Glashausser, representing Ms. Sternquist, who is on  
13 the phone with us.

14 THE CLERK: The Honorable Lois Bloom presiding.

15 THE COURT: Good afternoon, Mr. Buford, Mr.  
16 Palacio, Ms. Papapetru and Ms. Glashausser.

17 And good afternoon, Ms. Sternquist. Can you hear  
18 me, ma'am?

19 THE DEFENDANT: Yes, I can, Your Honor.

20 THE COURT: Okay. We were scheduling today's  
21 conference because of the medication that had been ordered to  
22 be provided to you.

23 But yesterday, no, two days ago, the government  
24 went before the grand jury and the grand jury returned an  
25 indictment against you charging you with three counts.

1           So, Ms. Sternquist, have you had the opportunity to  
2       review the indictment with your attorney?

3           THE DEFENDANT: Yes, I have, Your Honor.

4           THE COURT: And do you understand the charges that  
5       are being made against you?

6           THE DEFENDANT: Yes, Your Honor.

7           THE COURT: And, Ms. Glashausser, have you had the  
8       opportunity to review the indictment with your client?

9           MS. GLASHAUSSER: Yes, Your Honor.

10          THE COURT: And does she understand the charges?

11          MS. GLASHAUSSER: Yes, Your Honor.

12          THE COURT: And have you advised her of her  
13       constitutional rights?

14          MS. GLASHAUSSER: Yes, Your Honor.

15          THE COURT: And do you wish me to read the  
16       indictment aloud?

17          MS. GLASHAUSSER: No, Your Honor.

18          THE COURT: And is your client prepared to enter a  
19       plea?

20          MS. GLASHAUSSER: Yes. She pleads not guilty.

21          THE COURT: A plea of not guilty shall be entered  
22       on behalf of Kara Sternquist to all counts in the indictment.

23               Pursuant to Federal Rules of Civil Procedure 5(f),  
24       I remind the prosecution of it's obligation under *Brady vs.*  
25       *Maryland* and its progeny to disclose to the defense all

1 information whether admissible or not that's favorable to the  
2 defendant, material either to guilt or to punishment and  
3 known to the prosecution.

4 The prosecution must make good-faith efforts to  
5 disclose such information to the defense as soon as  
6 reasonably possible. I will enter a written order more  
7 describing this obligation and the possible consequences of  
8 failing to meet it and I direct the prosecution to review and  
9 comply with that order.

10 Does the prosecution confirm that it understands  
11 its obligations and will fulfill them?

12 MR. BUFORD: Yes, Your Honor.

13 THE COURT: Thank you.

14 So Ms. Sternquist has been hospitalized and the  
15 medical staff were supposed to get a third medication that  
16 has been detailed to either Ms. Sternquist in the hospital or  
17 get whatever the -- I don't really understand why BOP  
18 couldn't just pass the prescription to the Brooklyn Hospital  
19 Center and have them provide the medication, but please let  
20 me know, Mr. Buford, where are we?

21 And, again, there had been an order of the Court.  
22 I was then asked to stay the order of the Court. I denied  
23 that request. And I appreciate that the Government had  
24 gotten two of the medications to Ms. Sternquist, but I put it  
25 on today saying that you could cancel if the third medication

1 had been provided. I also signed an order yesterday for Ms.  
2 Glashausser to be able to have calls with her client.

3 So tell me where we are, sir.

4 MR. BUFORD: Your Honor, let me not bury the weed.  
5 My understanding from defense counsel is that the defendant  
6 is receiving the third medication at the hospital.

7 And the issue from our perspective was that our  
8 medical information was that, as of October 12th, we had been  
9 advised or BOP medical had been advised, that given the  
10 nature of the medication the hospital policy was not to  
11 dispense it to anyone without a consultation by the attending  
12 psychiatrist at the hospital, and that the issue was not  
13 access to the drug, per se, which is relatively commonly  
14 available, but rather that that consultation had not  
15 occurred.

16 It's my understanding -- this is sort of a  
17 deduction rather than first-hand information -- that the  
18 consultation has occurred and that the drug is now being  
19 provided to the defendant along with the two other -- the two  
20 other antidepressants, Your Honor, that were also the subject  
21 of -- or at least on the list of the medications defendant  
22 had originally attached to her motion.

23 THE COURT: Let me just ask, Ms. Glashausser, has  
24 she now received -- has your client, Ms. Sternquist, now  
25 received the third medication?

1 MS. GLASHAUSSER: Yes. My understanding is that is  
2 correct. I learned that right as we were standing in this  
3 courtroom when the paralegal arrived at her hospital bed  
4 today. So, yes.

5 THE COURT: So my question, since we have had Ms.  
6 Papapetru come today, is why does it take this much?

7 I mean, clearly Ms. Sternquist does not have any  
8 control over where she is sent. She has no control over what  
9 the BOP provides to wherever she is sent.

10 And looking at the docket sheet, which hopefully  
11 Judge Irizarry will look, it took Judge Bulsara, it took  
12 Judge Komitee, it took Judge Levy, Judge Mann, Judge Reyes  
13 and myself in order for Ms. Sternquist to get the medication  
14 that she should have been receiving.

15 So I don't know if you want your agency client to  
16 speak for herself, but I am, you know, quite concerned, as I  
17 told Mr. Palacio when I spoke to him over the weekend, I got  
18 two requests in one weekend. One was on Friday I guess and  
19 one was on Saturday, different case, not this case, but to  
20 stay orders of the Court regarding medical attention at BOP,  
21 and I think it's fair to say that this is a matter of great  
22 concern to the magistrate judges.

23 So, Mr. Buford, do you want to address this or do  
24 you want Ms. Papapetru to address it?

25 MR. BUFORD: Your Honor, only to say that we do

1 take the orders seriously in an endeavor to comply.

2 My understanding is this particular order that was  
3 -- transferred medication from one facility to another is  
4 something that hasn't come up before or at least not very  
5 commonly and there's no established protocol at MDC to do  
6 that. And I think --

7 THE COURT: And now's the time.

8 MR. BUFORD: Well, I think in receipt of the order,  
9 Your Honor, there were some practical concerns that arose,  
10 which is, you know, making sure that the hospital would  
11 accept delivery of drugs from another institution.

12 That, in fact, even if we were to bring it that  
13 they would sort of provide it. Because my general  
14 understanding is that even if you bring in your own  
15 prescriptions that doesn't necessarily mean the hospital  
16 would sort of take those drugs, accept them for what they are  
17 and give them to the patient.

18 THE COURT: I understand. It's the same thing when  
19 somebody is arrested and they're bringing the drugs that they  
20 generally need to survive in their pocket. It's not as if  
21 BOP will let those drugs into the facility, but they could  
22 take note of what the drugs are and try to provide the  
23 equivalents.

24 MR. BUFORD: I think that that happens when the  
25 patient's transferred to the hospital. In other words, the

1 hospital gets a set of paperwork from MDC as to sort of what  
2 the patient is on and then the hospital I think makes its own  
3 assessment as to what drugs are appropriate and makes their  
4 own judgment as to what to prescribe.

5 THE COURT: But, again, we go back to the initial  
6 problem, which is Ms. Sternquist didn't choose where to go.  
7 Ms. Sternquist is not in control of what the BOP is providing  
8 or failing to provide.

9 And I'm just going back in the case, and I  
10 understand it's not what's at issue here, but the order to  
11 show cause that was issued by my colleague, Judge Bulsara, in  
12 this case is scathing and talking about the BOP not complying  
13 with orders of the Court and, again, threatening contempt  
14 proceedings. This is not an everyday occurrence.

15 MR. BUFORD: I understand, Your Honor. And I think  
16 given that this issue has now recurred a couple of times, and  
17 as the Court noted, maybe not on the record, but a  
18 representative of our civil division is here who deals with  
19 MDC issues on an ongoing basis.

20 We now will I think endeavor to come up with some  
21 sort of established system to at least address this. Or if  
22 there are concerns, bring them promptly to the attention of  
23 the Court if there's a good medical reason or logistical  
24 reason why the order presents difficulties.

25 We want to be transparent about what we're trying



1 to do to comply and the issues that we may, in good faith, be  
2 running into in trying to do that.

3 THE COURT: And I understand that the Court are not  
4 doctors. But, again, it's completely an aside but we don't  
5 want to take the word third hand.

6 Ms. Papapetru, I'm sure you have a very tough job,  
7 but we're not going to take the word third hand of somebody  
8 that works for BOP that the Court's orders are being taken  
9 seriously. That is not sufficient.

10 And in this case I'm glad that Ms. Sternquist got  
11 her third medication, but it shouldn't take several orders of  
12 the Court. And I do understand it's a little bit of an  
13 outlier. Ms. Sternquist's situation was a little bit  
14 different than most BOP situations.

15 But that this has come up and has been made a topic  
16 for all of the magistrate judges of the Court. If we cannot  
17 trust United States Attorneys who are standing up saying that  
18 they've gotten this information from their client at BOP,  
19 that's going to be a big problem.

20 MR. BUFORD: I understand that, Your Honor. I  
21 don't know that our information has been inaccurate at any  
22 point, but I appreciate the point, Your Honor.

23 THE COURT: Ms. Glashausser, do you want to be  
24 heard on this?

25 MS. GLASHAUSSER: Thank you, Your Honor.

1 Just to comment a little bit more on the broader  
2 context, the original medical order that was signed at Ms.  
3 Sternquist's initial appearance and then again at the second  
4 appearance a week later was ignored until all those things  
5 started to happen.

6 The reason she is in the hospital is because she  
7 hadn't received medical care when she entered the BOP. So  
8 it's not just about the third medication. She's still in the  
9 hospital now three and a half weeks later because of what  
10 happened when she first was arrested.

11 And I think Your Honor is exactly right that it's  
12 extremely concerning that we can get these court orders and  
13 nothing happens.

14 With respect to the phone call order that Your  
15 Honor had signed, I spent much of yesterday trying to receive  
16 that phone call. I never did.

17 Now Ms. Sternquist has been transferred from the  
18 MDC's custody to the Marshals' custody so I believe it will  
19 be smoother, but that's just another example of an order that  
20 did not have I think, Your Honor, the intended effect.

21 THE COURT: Mr. Buford, this is really an issue.

22 MR. BUFORD: It is, Your Honor. I understand the  
23 order directed us to provide two phone calls a week to  
24 defense counsel. There was unfortunately a transition  
25 yesterday from the custody of BOP to the custody of the

1 Marshals which frustrated the attempt to have a call  
2 yesterday, but I understand that that transfer successfully  
3 occurred and that defense counsel will be in a position to  
4 have the two calls this week that were the subject of the  
5 order.

6 THE COURT: I understand going forward that perhaps  
7 now that BOP is not involved, but that BOP has had a  
8 significant role in thwarting the Court's orders.

9 Again, Ms. Papapetru, you're going to be at some  
10 point the one on the witness stand under oath with sanctions  
11 taken against you or your employer. There's no other way  
12 that we can get this to turn out differently because  
13 unfortunately the civil case is taking forever. It's not  
14 your fault.

15 But the civil case is -- I won't say it's less  
16 important, but it's different than a person's constitutional  
17 rights who's in custody and control of BOP.

18 And, Mr. Buford and Mr. Palacio and Ms. Papapetru,  
19 I know there's a new warden. This has got to be brought up.

20 I'm sorry to take your time, Ms. Sternquist, on  
21 this but I was the magistrate judge that had the guy who had  
22 been accused out in Islip of assaulting the CSOs. And he had  
23 been in custody for about 30 days, not totally all within  
24 BOP, he had been out in Suffolk County. He had 18  
25 medications that he was, you know, supposedly going to get.

1 He had gotten none of them.

2 So it's over and over again, the same thing, and I  
3 have no explanation for it, Mr. Buford. But you, as a  
4 supervisor in the office, and Mr. Palacio, you're going to be  
5 the ones that are disbelieved by the Court and called on the  
6 carpet.

7 And at some point Ms. Papapetru and the warden are  
8 going to be in the chair having to testify under oath if this  
9 continues.

10 This is just -- I know she wants to say something,  
11 so let her say something to you and you can tell her whether  
12 she wants to say it to the Court.

13 MR. BUFORD: Your Honor, if we may have one minute?

14 THE COURT: Certainly.

15 MR. BUFORD: Thank you.

16 MR. MODAFERRI: Your Honor, if the Court allows,  
17 may I address (indiscernible) I'm not assigned --

18 THE COURT: You can come up after you have this  
19 little colloquy together.

20 MR. MODAFERRI: Sure. Thank you.

21 THE COURT: Ms. Sternquist, I'm allowing the  
22 defense counsel the time, just like I afforded you the time  
23 to speak to your attorney, without it being on the record, so  
24 forgive us that you're not privy to what is being talked  
25 about. But Ms. Glashausser and I are sitting patiently

1 waiting for the Government lawyers to speak about these  
2 matters. Okay?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: How are you feeling, Ms. Sternquist?

5 THE DEFENDANT: I'm feeling okay at the moment.  
6 I'm in a lot of pain in my condition.

7 THE COURT: I'm sorry to hear that. I'm glad that  
8 you have such a good attorney so you know that you have  
9 people fighting for you. Okay?

10 THE DEFENDANT: So am I, Your Honor.

11 (Pause)

12 MR. BUFORD: Thank you, Your Honor.

13 If the Court will permit, AUSA Matt Modafferri --

14 THE COURT: Of course. Mr. Modafferri, nice to see  
15 you.

16 MR. MODAFERRI: Nice to see you too, Your Honor.

17 Just as background, and Ms. Glashausser mentioned  
18 ignoring orders, there's countless hours that are spent when  
19 a court order is issued both by members of the civil  
20 division, myself, the attorneys from the criminal division,  
21 members of BOP.

22 So that aside, with respect to the order that was  
23 issued here by Your Honor with respect to the medications,  
24 the same happened. Countless hours were spent trying to  
25 figure out what the process was, how to comply with the

1 Court's order, steps forward, steps for the future so that  
2 this doesn't happen.

3 And in addressing all of those considerations what  
4 we've learned is, one -- and I understand Your Honor's point  
5 that the defendant doesn't get to pick and choose which  
6 hospital the BOP decides to send her for outside treatment, I  
7 totally get that, but legally speaking once that transfer of  
8 care is made the MDC doctors can't say you have to give her  
9 these medications. The best they can do is get on the phone  
10 with the doctor who's currently providing the treatment and  
11 make a recommendation.

12 THE COURT: Did that happen?

13 MR. MODAFERRI: Yes, it did.

14 THE COURT: Can I also ask you though the situation  
15 that Ms. Sternquist is in is because she wasn't getting  
16 treated at MDC. She didn't go to the hospital because she  
17 chose that. She went because she was too sick.

18 MR. MODAFERRI: My understanding was that she, and  
19 again I'm not up to speed on that particular point, my  
20 understanding is that she developed an infection from  
21 something that happened at MDC.

22 So she was getting treatment, whether it was  
23 proper, something happened that was a side effect, I don't  
24 know, but Your Honor is correct in that something regarding  
25 the treatment that happened at MDC resulted in her having

1       that infection.

2               I don't even want to make that leap because perhaps  
3       it was some other cause, but something happened that required  
4       that she seek treatment at an outside hospital.

5               THE COURT: Well, let me just say, this is on  
6       document 31, page 8, Judge Komitee's decision, it says  
7       Sternquist represents, and the prosecution has not disputed,  
8       that she is in the hospital because of delays and errors in  
9       medical treatment by personnel of the MDC. That's in the  
10      order.

11              So I'm going by what the record of the Court is.  
12      And so saying that countless hours were spent, et cetera,  
13      countless hours spinning wheels doesn't help. People's lives  
14      are at stake here.

15              MR. MODAFERRI: Understood, Your Honor. I fully  
16      appreciate Judge Komitee's order, but without speaking to the  
17      doctor who provided the care, I'm not willing to make that  
18      jump here today just not knowing all the facts. And quite  
19      frankly, in my experience, getting a hold of the MDC's  
20      doctors is a --

21              THE COURT: Ridiculous.

22              MR. MODAFERRI: -- is a tough task.

23              THE COURT: Ridiculous.

24              MR. MODAFERRI: So it could have been, and again  
25      I'm surmising, that Mr. Buford probably just didn't have that

1 information. Whoever the attorneys were on the case before  
2 Judge Komitee just didn't have that information just like I  
3 don't.

4 THE COURT: That goes to the heart of this, Mr.  
5 Modafferri. Because, again, you as a U.S. Attorney, Mr.  
6 Palacio, Mr. Buford as U.S. Attorneys are standing up in  
7 front of us.

8 And I can tell you from when I was asked to set the  
9 guy from, I'm sorry, I'm forgetting his name, he had a very  
10 common name, the guy from Central Islip, it was Mr. Sugar  
11 from the Islip Federal Defenders who asked for permission for  
12 him to be released into Mr. Sugar's care so Mr. Sugar could  
13 drive him to the Northport VA so he could get treatment  
14 because he had not gotten treatment while he was at the MDC.

15 And believe me that was not a decision that I took  
16 lightly to release somebody. I was scared that Mr. Sugar  
17 could be on the side of the road and it would be my fault  
18 that I had released him.

19 But on the flip side of it, it should be a death  
20 sentence to be put into MDC's care and that people are having  
21 to go to the hospital doesn't surprise anyone.

22 So when you're saying that you're trying to put  
23 things in place, you know there's been a lawsuit pending for  
24 several years now.

25 MR. MODAFERRI: Right. And I can't speak to that



1 other case. I don't --

2 THE COURT: Of course.

3 MR. MODAFERRI: I don't have that information. But  
4 all I'm --

5 THE COURT: But what I'm saying is if you're  
6 standing up and you don't have the information, who has the  
7 information? And why is that not a system that can be worked  
8 out between the AUSA and the representative at BOP?

9 And if Ms. Papapetru is the representative, I am  
10 telling you you will not be believed by anybody in the court  
11 if this is how this continues to happen.

12 MR. MODAFERRI: Your Honor, one last point about  
13 the medical order and then just a final point.

14 The problem that we had here was the issue of just,  
15 in fact, complying with the order because the MDC doctors  
16 were not, in fact, caring for Ms. Sternquist anymore. I  
17 think that's evident.

18 Putting aside the other issues that the MDC has had  
19 with medical treatment, I don't think now is the time or the  
20 place.

21 But with respect to these issues that do come up  
22 and these weekend orders and these ex parte requests for  
23 orders that the Government has no prior notice of or the BOP  
24 has not had --

25 THE COURT: But let's take the other side of that.

1 I mean, the Government asked twice for a stay. Once in this  
2 case, once in I forget what the other case was, this weekend  
3 where I was asked to stay Judge Kuo's order which was about  
4 medical care. Mr. Palacio you were the U.S. Attorney. I had  
5 no involvement in that other case, but that was made ex parte  
6 as well. So the Government is doing the same thing.

7 I can't blame Ms. Glashausser that she's coming to  
8 the Court to ask that a medical order be enforced when she  
9 sees her client is, you know, in a bad physical state.

10 MR. MODAFERRI: Understood. The point I was just  
11 trying to make, Your Honor, and I had this conversation with  
12 Ms. Von Dornum, yesterday, is when these issues arise, come  
13 to us first because we can probably resolve them.

14 THE COURT: Who's the us, the civil division or Mr.  
15 Buford and Mr. Palacio? Because Mr. Palacio I believe was in  
16 court with Judge Kuo until 7:30 on Friday night. He then  
17 asked me at 5 o'clock on Saturday to stay an order that he  
18 had jut gotten regarding whatever that case was, not Ms.  
19 Sternquist.

20 I'm sorry, Ms. Sternquist, this is all coming out  
21 on your time.

22 But who is that, you know, who is it that we should  
23 come to? Who is it that Ms. Glashausser should come to?

24 MR. MODAFERRI: Well, I offered at least that Ms.  
25 Von Dornum can come to me. But I'm not involved in every

1 criminal matter, so it should be the Mr. Bufords and Mr.  
2 Palacios of our office. And then we can try to resolve the  
3 issue.

4 A situation like this order though would never be  
5 resolved because it was just impossible to comply with the  
6 Court's order because we weren't providing -- or the MDC  
7 wasn't providing care any longer which is why we were going  
8 to come here today to try to explain it to Your Honor.

9 THE COURT: Well, luckily it got resolved.

10 MR. MODAFERRI: Yes.

11 THE COURT: And I do think getting the BOP out of  
12 the middle is part of how it gets resolved.

13 As Ms. Glashausser is saying now that she's in  
14 Marshal custody, they'll comply with access to the client. I  
15 don't know why that couldn't have been complied with when she  
16 was in BOP custody, but that's for you to figure out going  
17 forward, Mr. Modafferri.

18 MR. MODAFERRI: Thank you, Your Honor.

19 THE COURT: Okay. I've given you the time because  
20 I see that your client has come in good faith to answer. And  
21 if she did have something she wanted to put on the record, I  
22 want to give her that opportunity.

23 MR. BUFORD: I think we're content to have Mr.  
24 Modafferri speak for us on this issue, Your Honor.

25 THE COURT: Okay.

1 MR. BUFORD: And I would just add I think the  
2 point's been made. What I think Mr. Modafferri was saying in  
3 this particular instance, we, meaning Mr. Palacio and I,  
4 didn't know that there was an issue getting these three  
5 medications until the request hit the docket. The order was  
6 granted shortly thereafter. And at that point we had until  
7 kind of the next day to provide the medications.

8 So when we encountered the sort of logistical  
9 issues or the questions about whether we could bring  
10 medication to another facility and so forth to avoid a  
11 situation where we would have Judge Bulsara finding that his  
12 order was ignored, we put in a request for a stay and tried  
13 to update the Court with our efforts to comply, that was how  
14 we tried to proceed in good faith.

15 And so I think the point was if Mr. Palacio and I  
16 had known prior to the filing of the order that there was an  
17 issue with these medications we might have been able to  
18 address it without having to ask for a stay and sort of  
19 providing serial updates to the Court.

20 So, again, we will try to be better going forward  
21 on these issues. And I think it's useful to know that Mr.  
22 Modafferri is in dialog with Ms. Von Dornum so that it's not  
23 just on a case-by-case basis, but hopefully on a larger scale  
24 basis that this is being addressed.

25 MR. MODAFERRI: And just one additional point, Your

1 Honor. I don't want to belabor this conference. But Ms.  
2 Papapetru has offered, when Your Honor has asked, you know,  
3 what's the procedure moving forward when these issues come  
4 up, and she said they can reach out directly to me.

5 So I think, you know, and Ms. Glashausser can  
6 probably attest to this --

7 THE COURT: They could reach out directly to Ms.  
8 Papapetru?

9 MR. MODAFERRI: So long as, you know, an AUSA is  
10 copied, I think that the Federal Defenders already do this,  
11 and reach out to MDC legal.

12 THE COURT: Yes. I don't think that they've gotten  
13 the result that they need and that's what the problem is.  
14 She's only one person. She's willing to put her credibility  
15 out there to say that she'll do everything, you know, when  
16 they contact her directly, but that hasn't happened.

17 Ms. Glashausser?

18 MS. GLASHAUSSER: That's right, Your Honor.

19 And I just -- I haven't asked for any ex parte.  
20 There's been no ex parte communication with any of the many  
21 judges involved in this case. All of it has been filed on  
22 the docket with portions under seal. Everything is always  
23 sent to the Government. And I think in each letter I filed  
24 it's clear that that was not the first -- my first step was  
25 not to go to the Court. My first step was to reach out to

1 Ms. Papapetru to do -- repeatedly to reach out to all of the  
2 MDC legal team.

3 If the prosecutors would like me to CC them on  
4 every communication, I will. I have now been doing that.  
5 I'm not sure if they're happy about that or not. Because  
6 frequently we receive no response from the MDC legal team  
7 which is why then I write to the court, especially when it's  
8 something like a medical issue which is obviously time  
9 sensitive.

10 THE COURT: And, Mr. Buford, I just want to add  
11 that we have -- when somebody is making their initial  
12 appearance in the arraignment part -- a memo that's sent to  
13 MDC when somebody has a medical issue or they're on  
14 medication. And of course we're not doctors, so we're just  
15 saying see this person and evaluate them.

16 For at least a month and a half we got no responses  
17 from the Government. A Michael Cardeau had a response that  
18 said I'm not able to respond. We had no response for a month  
19 and a half to the Court's medical memos.

20 So clearly the judges that are dealing with  
21 pretrial matters have heard that just bring it to Ms.  
22 Papapetru and she'll get somebody to pay attention to it.  
23 It's not working for us.

24 So, again, if you want your word to be taken as  
25 true in this court you're going to have to do something to

1 get back on the right foot here.

2 And I'm saying that on the record, Ms. Papapetru.  
3 I know it's painful to hear because you're probably doing  
4 your very best to get the people the care that they need. I  
5 don't envy your situation.

6 But I'm also here to say that when AUSAs stand up  
7 before the Court, credibility is everything. And if you want  
8 us to believe you, you better do more than just put a call  
9 in. Because, again, it's gotten to the point where we are  
10 all afraid of the medical care that people are being given at  
11 MDC. That's just one issue on the plate.

12 But that I can say that, you know, again, we're the  
13 ones that are responsible for making bail determinations.  
14 And you could see in Judge Komitee's order that he held Ms.  
15 Sternquist, but he said that that issue was a matter of  
16 concern for him as well.

17 MR. BUFORD: I too, like Mr. Modafferri, Your Honor,  
18 don't want to -- I hesitate to draw any specific conclusions  
19 from the record as we understand it, but I think what I said  
20 at the hearing without the benefit of the transcript is that  
21 it's clear that Ms. Sternquist was seen by a doctor at the  
22 MDC. There was an effort to replace the catheters as I  
23 understand it that I think triggered the hospitalization at  
24 some point.

25 And, again, I hesitate to draw any sort of

1        overarching conclusions about her underlying causes or why it  
2        happened, but --

3                THE COURT: I understand, Mr. Buford. But, you  
4        know, again, it's not a one-time occurrence that we're having  
5        these issues and difficulties.

6                And so, again, I'm not underestimating how hard a  
7        job Ms. Papapetru has or how much time Mr. Modafferri and Mr.  
8        Palacio and you spent trying to get this to work, but that's  
9        not my bottom line here. My bottom line is we've had these  
10       problems at MDC. They continue. People's lives are at stake  
11       and we have to take it seriously.

12               MR. BUFORD: Understood, Your Honor.

13               MR. MODAFERRI: Your Honor, one final point, if  
14       you'll allow?

15               THE COURT: Sure.

16               MR. MODAFERRI: And I don't think this is going to,  
17       you know, swing the pendulum back in the other direction, but  
18       what I can say is that when I return to my office, you  
19       mentioned the new warden, I will reach out to the new warden  
20       personally, I'll (indiscernible) Ms. Papapetru, and explain  
21       Your Honor's concerns so at least the issue of medical  
22       treatment at the MDC is made known to the top and I think  
23       that that is probably a good place to start and we can go  
24       from there.

25               THE COURT: Thank you.



1 Yes, Mr. Buford?

2 MR. BUFORD: I'm sorry, Your Honor, I have one  
3 other issue that I apologize it didn't occur to me before the  
4 hearing, but having proceeded with the arraignment, I believe  
5 that Judge Irizarry's practice is to set an initial  
6 conference based on when the arraignment takes place.

7 THE COURT: Yes.

8 MR. BUFORD: So obviously we hadn't scheduled it  
9 yet. I would just ask, I apologize for doing this on the  
10 record, but whether counsel and her client would consider,  
11 now that the arraignment has occurred, an ordered excludable  
12 delay --

13 THE COURT: I would ask her.

14 I would ask if Ms. Glashausser wants to step out  
15 and speak about speedy trial. I'd stay on the record. We  
16 don't know when the next occurrence will be, but if you could  
17 talk to your client about whether or not she would agree,  
18 then we could at least get a couple of weeks of exclusion.

19 MR. BUFORD: I think that's right, Your Honor. I  
20 think whether there's an agreement or not will affect when  
21 the conference is scheduled.

22 MS. GLASHAUSSER: Just so I'm clear on the request,  
23 is it for a particular day? What are we --

24 MR. BUFORD: What I would ask for is a request for  
25 an OED of --

1 THE COURT: Today is the 19th. So looking --

2 MR. BUFORD: In an abundance of caution -- I'm  
3 sorry.

4 THE COURT: -- looking at the schedule, why don't  
5 we say until November 2nd, which is three weeks away, and  
6 that way Mr. Buford could try to arrange for a conference and  
7 hopefully Ms. Sternquist will be able to attend in person.

8 But I'll ask you to step out to speak to her off  
9 the record to see if you can agree to that. And likewise  
10 this is out of the norm because usually I would have you  
11 contact Judge Irizarry's deputy. But in light of the fact  
12 that I did this without scheduling it to save everybody, I'd  
13 ask Ms. Glashausser to step out and speak to Ms. Sternquist  
14 off the record and we'll put this on hold.

15 MS. GLASHAUSSER: Thank you, Your Honor.

16 THE COURT: Thank you.

17 MR. BUFORD: Thank you, Judge.

18 (Pause)

19 THE COURT: Do you want to step out so you could  
20 talk about this without being overheard.

21 MS. PAPAPETRU: Sorry, Your Honor.

22 THE COURT: It's okay. You could step out with Ms.  
23 Glashausser.

24 MS. PAPAPETRU: There was just one other matter we  
25 had planned to take up --

1 THE COURT: If you want to step out with her, you  
2 can.

3 MR. BUFORD: I think we know where we stand.

4 THE COURT: Okay.

5 (Pause)

6 THE COURT: So, Ms. Papapetru, I know nothing about  
7 you. You're a lawyer, right?

8 MS. PAPAPETRU: Correct.

9 THE COURT: Where did you go to law school?

10 MS. PAPAPETRU: Hofstra.

11 THE COURT: And when did you graduate?

12 MS. PAPAPETRU: 2018.

13 THE COURT: And how did you end up with this plum  
14 job?

15 MS. PAPAPETRU: I applied for it. I was originally  
16 in the DA's Office in Staten Island prior to. I've been with  
17 MDC Brooklyn for a little over two years now.

18 THE COURT: So I don't mean to embarrass my law  
19 clerk, but he said that you look way too hip to be sitting  
20 with the Government lawyers.

21 MR. BUFORD: None taken.

22 THE COURT: I said DA's are very different than MDC  
23 I venture.

24 MR. BUFORD: She tried to stay in the background  
25 and we asked her to come up.

1 THE COURT: Well, I did require you to bring  
2 somebody from BOP, so they had no choice.

3 MR. BUFORD: It was less about appearing before  
4 Your Honor and more about being in proximity to us I think.

5 THE COURT: Oh, yeah, yeah. It's okay.

6 After a full day of civil cases, it's always nice  
7 to have something that's a little different.

8 Mr. Modafferri, I had a case today -- I know we're  
9 still on the record -- it was brought by DC DOJ because it's  
10 a tax lien on people's house because the husband didn't pay  
11 his taxes for like 25 years and lied to his wife.

12 MR. MODAFERRI: Wow.

13 THE COURT: Now, if that doesn't lead to a murder,  
14 right, okay, sorry.

15 We were just talking about cases that I had on  
16 today that have nothing to do with Ms. Sternquist.

17 MS. GLASHAUSSER: Okay. Ms. Sternquist will waive  
18 the speedy trial time.

19 THE COURT: So I'm going to have to put it on the  
20 record.

21 MS. GLASHAUSSER: Yes.

22 THE COURT: And I'm sorry that I was just making  
23 conversation in the middle of Ms. Sternquist speaking to Ms.  
24 Glashausser.

25 Are you back on, Ms. Sternquist?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay. Very good.

3 So, Ms. Sternquist, the Government has asked that  
4 the Court exclude the speedy trial time between today,  
5 October 19th, and November 2nd, which is two weeks away.

6 MR. BUFORD: Okay.

7 THE COURT: And they intend to exchange discovery  
8 and talk about how the case could be resolved short of trial.

9 Is that correct, Mr. Buford?

10 MR. BUFORD: It is, Your Honor.

11 THE COURT: And they also intend to contact Judge  
12 Irizarry and get a date scheduled. And we're hoping by that  
13 date, Ms. Sternquist, that you'll be well enough to appear.

14 So I have taken this application and asked Ms.  
15 Glashausser to go out and speak with you about whether you  
16 would agree to exclude the time and she's come back and said  
17 that she has spoken to you.

18 So I am obligated to make sure that you understand  
19 the Government has 70 days from the date that you're  
20 arraigned on the indictment, which is what we did when we  
21 took your not guilty plea earlier in this proceeding, and  
22 they have to commence the trial against you within 70 days.

23 If they do not commence the trial within 70 days,  
24 your attorney can ask that the charges against you be  
25 dismissed as a violation of your right to a speedy trial.

1           As I said, the Government has asked and I've been  
2           told that you agree that they will stop the speedy trial  
3           clock today and not start the clock to count that 70 day  
4           period until November 2nd.

5           Do you understand the request and its consequences,  
6           Ms. Sternquist?

7           THE DEFENDANT: Yes, Your Honor.

8           THE COURT: And have you discussed this matter with  
9           your attorney?

10          THE DEFENDANT: Yes, Your Honor.

11          THE COURT: And do you have any questions for the  
12          Court regarding the application or its consequences?

13          THE DEFENDANT: I do not, Your Honor.

14          THE COURT: And, Ms. Glashausser, have you  
15          discussed this matter with your client?

16          MS. GLASHAUSSER: Yes, Your Honor.

17          THE COURT: And you believe she understands this  
18          request and its consequences?

19          MS. GLASHAUSSER: Yes, Your Honor.

20          THE COURT: So I find that the interests of the  
21          Government and the defendant and the public in a speedy trial  
22          are outweighed by the parties' interest in having this time  
23          to discuss a possible resolution of the case without a trial  
24          and contact Judge Irizarry to get a date when hopefully Ms.  
25          Sternquist will be well enough to come before Judge Irizarry

1 for a conference.

2 So I exclude the time between today and November  
3 2nd from the speedy trial deadline.

4 This will all be put into writing.

5 Is there anything else that needs to be addressed  
6 on behalf of the Government today?

7 MR. BUFORD: Not from the Government, Your Honor.

8 THE COURT: Anything else, Ms. Glashausser?

9 MS. GLASHAUSSER: There's one other matter, Your  
10 Honor, that I'd like to put on the record.

11 Ms. Sternquist's name at the BOP is her old name.  
12 It is Michael Sternquist. I have asked the Government and  
13 Ms. Papapetru how best to change it to her correct name, Kara  
14 Sternquist. They have represented to me that they will let  
15 me know whether a court order is needed by -- we had  
16 discussed by the arraignment which now we have done, but we  
17 had anticipated --

18 THE COURT: Except that on the indictment it does  
19 list Kara Sternquist with the two Cara Sandiego and Kara  
20 Withersea, so it doesn't list the old name.

21 So has it been taken care of, Mr. Buford?

22 MR. BUFORD: I understand that she's still listed  
23 in the BOP register as her old name.

24 THE COURT: And how do we go about getting that  
25 changed?

1 MR. BUFORD: So my understanding is that it depends  
2 I think, Your Honor. I think if there is proof of  
3 identification change, they'll accept that. If it's a  
4 question of a misspelling, which I think there may be as well  
5 in addition to the false, not the false, the old name, that's  
6 something that may be more easy to correct.

7 THE COURT: Yes.

8 MS. GLASHAUSSER: So the Government has Ms.  
9 Sternquist's identification. I believe so. I do think it  
10 would be difficult for us to come up with a proof of  
11 identification, which is why I had anticipated requesting a  
12 court order, but I guess the Government will let --

13 THE COURT: Can I direct that Mr. Buford and Ms.  
14 Glashausser try to solve this. I certainly don't have the  
15 identification and I can't just order the Government to  
16 change it without knowing what the identification -- I assume  
17 what you're saying is she has legally changed her name?

18 MS. GLASHAUSSER: Yes, Your Honor. And that I  
19 believe is why the Government charged her in her legal name  
20 which is what the Government generally does.

21 And I understand that the Government is going to  
22 look into whether we can resolve this without a court order  
23 or whether a court order is needed, but I just wanted to put  
24 that n the record because we had discussed doing it at the  
25 arraignment. And since that happened today, that date won't



1 (indiscernible) --

2 THE COURT: So this is what I will say. I've just  
3 given you an exclusion of time until the 2nd. That's more  
4 than enough time to get this resolved, with Ms. Glashausser  
5 being put on notice. If you need to make an application to  
6 the Court, you'll make it to Judge Bulsara or Judge Irizarry.  
7 Okay? They're now the judges assigned to the case.

8 The arraignment on the indictment and the exclusion  
9 of time was done today because you were coming back before me  
10 for everyone's convenience. But that's more than enough time  
11 to solve this.

12 And I do note for the record that all of the court  
13 documents are in Kara Sternquist's name. None of the court  
14 documents are in the prior name so we should be able to get  
15 the BOP to conform. If the Government is thinking this is  
16 Kara Sternquist, then the BOP should be able to get that  
17 resolved.

18 MR. BUFORD: And at the risk of opening ourselves  
19 up to an issue, Your Honor, we certainly charged on the basis  
20 of the name that was being used. One of the issues in the  
21 case is false identification.

22 THE COURT: I get that and that's why I can't order  
23 anything today because I have nothing more than what's on the  
24 docket.

25 So I am taking Ms. Glashausser's word that this is

1 her legal name and I am directing that the Government look  
2 into the matter and get this resolved by the 2nd of November.  
3 And you're not writing back to me and you're not asking for a  
4 stay, you're just getting it resolved. Okay?

5 MR. BUFORD: Understood, Your Honor.

6 THE COURT: Okay. Anything else on behalf of the  
7 Government today?

8 MR. BUFORD: Not today, Your Honor. Thank you.

9 THE COURT: Anything further on behalf of Ms.  
10 Sternquist?

11 MS. GLASHAUSSER: No, Your Honor. Thank you.

12 THE COURT: Ms. Sternquist, I wish you good health.  
13 I hope you get better.

14 And with that, we're adjourned. Thank you.

15 THE DEFENDANT: Thank you.

16 MR. MODAFERRI: Thank you, Your Honor.

17 (Proceedings adjourned at 5:19 p.m.)  
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I, CHRISTINE FIORE, Certified Electronic Court Reporter  
and Transcriber, certify that the foregoing is a correct  
transcript from the official electronic sound recording of  
the proceedings in the above-entitled matter.

*Christine Fiore*

October 26, 2022

Christine Fiore, CERT